

CHRISTENSEN JAMES & MARTIN
EVAN L. JAMES, ESQ. (7760)
DARYL E. MARTIN, ESQ. (6735)
7440 W. Sahara Avenue
Las Vegas, Nevada 89117
Telephone: (702) 255-1718
Facsimile: (702) 255-0871
Email: elj@cjmlv.com, dem@cjmlv.com
*Attorneys for Defendants Nevada Service Employees
Union, Luisa Blue, and Martin Manteca*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JAVIER CABRERA, an individual;
DEBORAH MILLER, an individual,
CHERIE MANCINI, an individual;
NEVADA SERVICE EMPLOYEES
UNION STAFF UNION (“NSEUSU”),
an unincorporated association,

Plaintiffs,

vs.

SERVICE EMPLOYEES
INTERNATIONAL UNION, a nonprofit
cooperative corporation; LUISA BLUE,
in her official capacity as Trustee of
Local 1107; MARTIN MANTECA, in
his official capacity as Deputy Trustee of
Local 1107; MARY K. HENRY, in her
official capacity as Union President;
CLARK COUNTY PUBLIC
EMPLOYEES ASSOCIATION dba
NEVADA SERVICE EMPLOYEES
UNION aka SEIU LOCAL 1107, a
nonprofit cooperative corporation;
CAROL NIETERS, an individual; DOES
1-20; and ROE CORPORATIONS 1-20,
inclusive,

Defendants.

Case No.: 2:18-cv-00304-RFB-BNW

**MOTION FOR A NEW TRIAL
DATE**

(FIRST REQUEST)

1 Nevada Service Employees Union, SEIU 1107 (“Union”) and Luisa Blue
2 (collectively “Movants”) hereby moves the Court for a new trial date. This is the first
3 request for a new trial date from the Movants. The Parties previously stipulated to a
4 new trial date [ECF No. 258], but that stipulation was necessitated by no actual trial
5 date having been entered by the Court. That Stipulation merely identified the issue
6 and recommended further action.

7 The Court set a trial date of October 2, 2023, in March of this year, to address
8 Plaintiff Debbie Miller’s discrimination claims. Luisa is a named defendant. She was
9 the Trustee over the Union during the time relevant to Miller’s claims. Miller has
10 made specific assertions regarding Luisa’s management of the Union as it relates to
11 her claims. Luisa is therefore an important witness for Miller, for the Union, and for
12 herself.

13 Luisa had a pre-scheduled and pre-paid event from mid-September 2023 to
14 mid-October 2023 prior to the trial setting date. Maintaining the current October 2,
15 2023, trial date will result in unnecessary damage to Luisa and the Union. Luisa will
16 be forced to choose between penalties for not appearing at trial or the financial loss
17 and personal relationship losses associated with her existing plans.

18 The Union would likewise potentially be injured if Luisa is not a witness at
19 trial. Ms. Miller essentially argues that she was discriminated against by Luisa and
20 Deputy Trustee Martin Manteca who oversaw Union operations associated with Ms.
21 Miller’s claims.

22 In addition to Luisa’s unavailability, witness Grace Vergara-Mactal is
23 unavailable during the scheduled trial period. Like Luisa, Grace will be out of the
24 country.

25 Luisa’s role is also important to Ms. Miller’s alter-ego argument involving the
26 Service Employees International Union (“SEIU”). See ECF 256:5. Luisa’s personal
27 knowledge of her involvement with Local 1107 will therefore be an evidentiary

1 subject specifically relevant to Ms. Miller's alter-ego allegation.

2 The Movants are informed that SEIU does not oppose this motion for a new
3 trial date.

4 The Movants are informed that Plaintiff Miller opposes this motion. The
5 undersigned and Miller's attorney exchanged emails about the matter and spoke on
6 the phone about the matter. The apparent issue is that Ms. Miller desires the matter
7 to proceed to trial because it has been outstanding for many years. It is improper to
8 allow Miller's personal frustration to serve as a catalyst of harm against Luisa, the
9 Union, and the other Defendants.

10 CONCLUSION

11 For the foregoing reasons, the Court is moved to set a new trial date.

12 DECLARATION

13 The undersigned hereby declares that he and Plaintiff's attorney met to
14 address the matter, were unable to agree to a resolution based upon client positions,
15 and that this Motion is necessary based upon current circumstances.

16 Dated this June 15, 2023.

17 CHRISTENSEN JAMES & MARTIN

18 By: /s/ Evan L. James

19 Evan L. James, Esq.

20 Nevada Bar No. 7760

21 7440 W. Sahara Avenue

22 Las Vegas, NV 89117

23 Tel.: (702) 255-1718

24 Fax: (702) 255-0871

25 elj@cjmlv.com

26 *Attorneys for Local 1107,*

27 *Luisa Blue, and Martin Manteca*

CERTIFICATE OF SERVICE

I am an employee of Christensen James & Martin and caused a true and correct copy of the foregoing document to be served in the following manner on the date it was filed with the Court's ECF System.

✓ ELECTRONIC SERVICE: Through the Court's E-Filing System to the following:

— VIA UNITED STATES MAIL:

Michael J. Mcavoyamaya, Esq.
4539 Paseo Del Ray
Las Vegas, NV 89121

mike@mrlawlv.com

Glenn Rothner, Esq.
Eli Naduris-Weissman, Esq.
Carlos Coye, Esq.
Rothner, Segall & Greenstone
510 South Marengo Avenue
Pasadena, California 91101-3115

grothner@rsglabor.com
enaduris-weissman@rsglabor.com
ccoye@rsglabor.com

CHRISTENSEN JAMES & MARTIN

By: /s/ Evan L. James
Evan L. James